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### REMEDIES IN TORT

Klar

Release No. 6, July 2026

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This five-volume national work provides thorough coverage of the law relating to recovery in tort actions in Canada. The first three volumes focus on specific torts while the fourth volume covers substantive and procedural issues common to all tort litigation. The first volume also includes the Master Table of Contents. The final volume includes a Table of Cases, and a comprehensive index.

#### What's New in This Release

This release features updates to Appendix IF. Issues in Focus.

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## Highlights

**APPENDIX IF. ISSUES IN FOCUS**—To what extent are corporations protected by privacy legislation?— No cases have directly addressed the issue of whether corporations should be protected by privacy legislation. Specifically, no court has pronounced on whether corporations are able to claim the tort of invasion of privacy. Some authors have theorized that corporations should not be able to make invasion of privacy claims. The nature of the tort, including its personal nature, should preclude corporations from benefitting from it. Furthermore, in Quebec, rights to privacy are specifically seen to be personalty rights, and thus can only attach to persons. Likewise, jurisprudence on Canada’s federal *Privacy Act* [generally], indicates that “there is no doubt that the Privacy Act speaks only about the personal information of individuals and not corporations. On the other hand, under most provincial *Interpretation Acts*, “person” includes corporations. Furthermore, with the exception of Newfoundland’s *Privacy Act*, which defines an “individual” as a natural “person”, most provincial legislation is silent on this issue. Thus, theoretically at least, corporations may avail themselves of the rights set out in at least some Canadian privacy legislation.

**APPENDIX IF. ISSUES IN FOCUS**—Can a claim for negligent failure to implement a judicial decree succeed in law, or should it be struck at the outset?— In *Holland v. Saskatchewan (Minister of Agriculture, Food & Rural Revitalization)* a group of farmers refused to register in a federal program to prevent chronic wasting disease in domestic cervids, because they objected to the broadly worded indemnification and release clauses in the forms. These farmers’ herd status was subsequently downgraded to the lowest level, resulting in a reduced market price and diminished ability to sell their product. Judicial review resulted in a declaration that the government’s inclusion of the indemnification and release clauses was invalid. Therefore, the farmers’ herd status had been wrongly reduced. Following the issuance of this declaration, the government took no action to reinstate herd certification status or compensate the farmers for lost revenues. The farmers filed a class action against the government alleging misfeasance of public office, intimidation and negligence. The motions judge denied a government application to strike the negligence claim, but allowed the intimidation claim to be struck and the misfeasance claim to be amended.